

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

LUTHER RAYMOND ALSPACH,

Plaintiff,

v.

THE WASHINGTON COUNTY SHERIFF DEPARTMENT,

Defendant.

MOSMAN, J.,

No. 3:14-cv-01488-HU

OPINION AND ORDER

On December 11, 2014, Magistrate Judge Hubel issued his Findings and Recommendation (“F&R”) [6] in the above-captioned case, recommending I deny Plaintiff’s motion for appointment of pro bono counsel [4], grant Plaintiff’s application to proceed in forma pauperis [1] solely for the purpose of screening his complaint, and dismiss Plaintiff’s complaint with 30 days leave to replead and cure the deficiencies identified. Should Plaintiff fail to file a timely amended complaint, Judge Hubel recommended the case be dismissed with prejudice for failure to state a claim. No objections were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to

make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Hubel's recommendation, and I ADOPT the F&R [6] as my own opinion.

IT IS SO ORDERED.

DATED this 6th day of January, 2015.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge